

## REMARKS:

By way of background, this application was filed with a total of 6 claims (Claims 1 and 5 being independent claims, all other claims depending directly or indirectly therefrom).

In this Office Action, Claims 2 and 6 were rejected under sec. 112, for indefiniteness (in that these claims, and the claims from which they depend, were said to recite the same limitation); Claims 1, 2, 3, 5, and 6 were rejected under sec. 102 in view of U.S. Pat. No. 5,823,075 to Ahlstone, or U.S. Pat. No. 5,996,444 to Pearce et al; and Claims 1 and 4 were rejected under sec. 102 in view of U.S. Pat. No. 2,263,267 to Franklin.

Addressing the claims in more detail:

**Claim 1** was rejected under sec. 102 "as being clearly anticipated by either Ahlstone or Pearce et al, as both show tong dies that have parabolic gripping surfaces in the backup assembly." Applicant respectfully disagrees.

- First, addressing Pearce et al, a careful examination of the disclosure therein shows that Pearce et al does **not** disclose tong dies having parabolic shaped gripping surfaces. Although the Office Action does not specify with detail, presumably the reference is to elements 36 in Pearce et al. However, as clearly described in that patent, see Col. 3, lines 10, 23, 29 and 30, elements 36 are not tong dies, but clamping cams, which serve to force the tubular being gripped against serrated inserts 40, which are straight surfaced toothed gripping elements. Elements 36 appear to have no gripping surfaces, and do not in fact prevent rotation of the tubular, but simply serve as a bearing surface to force the tubular against the serrated inserts 40. As such, Applicant submits that Pearce et al cannot serve as a basis for the sec. 102 rejection, and any rejection based on that reference must be withdrawn.

- Second, addressing Ahlstone: again, the Office Action was not specific on exactly what in the disclosure of Ahlstone was alleged to disclose the claimed invention. Applicant must *assume* that the Examiner was referring to Fig. 5, element 70' (as element 70, as shown in Fig. 2, clearly discloses a symmetric jaw insert, which could not constitute a sec. 102 bar to Claim 1). Element 70' is briefly described at Col. 6, lines 30 – 39, as “A second set of jaw inserts 70', one of which is illustrated in Fig. 5, is shaped so as to extend further in a radially inward direction towards the center of the ring gear for engaging a range of small diameter tubes, for example, 1.315 inches to 3.69 inches outside diameter.” Beyond this brief written description, and the drawing in Fig. 5, Applicant is left to guess at exactly what structure Ahlstone in fact discloses. Applicant submits that the disclosure of elements 70' of Ahlstone, therefore, does not disclose the invention claimed in Claim 1 as amended. The present invention has a function of permitting a *wider range* of tubulars to be gripped, by the shape and geometry of the tong die, and the fact that it comprises a gripping surface portion along substantially the entirety of its surface. Ahlstone, by contrast, discloses that the alternate jaw insert 70' is for a *smaller* tubular – *not* a wider range – and in fact a careful examination of Fig. 5 appears to show that element 70' has a teeth only on that portion which would bear against a relatively small diameter tubular, where the jaw is rotated a relatively large degree toward the center of the back-up tong. In fact, from Fig. 5, the apparatus of Ahlstone appears to be inoperable for larger diameter tubulars, since that portion of element 70' which would contact a larger diameter tubular has no teeth (please see Attachment 1, which shows the attributes of element 70' referred to herein). Claim 1, as amended, is therefore clearly not disclosed by Ahlstone, and the sec. 102 rejection cannot be properly maintained. Ahlstone apparently also did not appreciate the attribute of

Claim 1, as amended, which enables the effective gripping of a wide *range* of tubulars. Applicant would further emphasize the language of sec. 102(b): "An applicant *shall be* entitled to a patent *unless* the invention was *patented or described in a printed publication* in this . . . country . . . more than one year prior to the date of application for patent . . . ." Applicant does not dispute the "timing" aspect of this portion of sec. 102(b); what Applicant does dispute is that Ahlstone *describes* the invention of Claim 1, as amended. The only possible relevant disclosure is lacking in sufficient detail to fulfill the obligation inherent in sec. 102(b), to overcome the statutory presumption of patentability ("An applicant *shall be* entitled to a patent . . ."). As such, Applicant asserts that the invention of Claim 1, as amended, is patentably distinguishable from that disclosed in Ahlstone (to the extent such disclosure can be discerned and understood), and that Claim 1 is therefore allowable.

- Third, with regard to the sec. 102 rejection over Franklin: as with the Ahlstone/Pearce et al rejection, the Office Action does not specify exactly what in the disclosure of Franklin forms the basis for this rejection. Applicant must assume that it is Figs. 2, 4, 6, and 7 therein, showing what are variously named "jaws" or "jaw grips." These appear to have teeth integral to the structure of the "jaw grip" – not a removable tong die. Claim 1 clearly claims a tong die, to be received into a backup jaw, therefore a sec. 102 rejection is absolutely unfounded and must be withdrawn.

**Claims 2 and 3** depend from Claim 1; Claim 1 now being allowable for the reasons set out above, those three claims are also *a fortiori* allowable. Claim 2 has been amended to resolve the sec. 112 basis of rejection.

**Claim 4** has been canceled, resolving the rejection as to that claim.

**Claim 5** has been amended. Applicant invites the Examiner's attention to the argument above related to Claim 1, as to the Ahlstone and Pearce et al references, and adopts those arguments with regard to Claim 5, as well. Applicant asserts that Claim 5, as amended, is patentable over the cited references.

**Claim 6** depends from Claim 5. It has been amended to resolve the sec. 112 rejection, and with Claim 5 allowable, Claim 6 is *a fortiori* allowable.

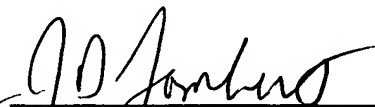
**CONCLUSION:**

For all of the above reasons, Applicant submits that the claims are in proper form and that the claims define patentable subject matter over the cited prior art. Therefore, Applicant respectfully requests that the amendments be entered into the case, submit that the amended claims place this application in condition for allowance, and respectfully request allowance thereof.

Applicant further respectfully requests early consideration of this Response and allowance thereafter. Should the Examiner believe that a telephonic interview would be helpful in resolving any further questions, please contact the undersigned at the listed telephone number.

A duplicate copy of this letter is attached.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on October 31, 2005.

JESSE D. LAMBERT

Name of Registered Representative

*J. D. Lambert*

Signature

October 31, 2005

Date of Signature